

raised in this review and the corresponding recommendations in this public memorandum which is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "Italy." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes to the Preliminary Results

Based on our analysis of the comments submitted in the case briefs, we have made changes in our calculation of the net subsidy rates for Pasta Zara/Pasta Zara 2 and Corticella/Combattenti. These changes are discussed in the relevant section of the *Decision Memorandum*.

Final Results of Review

In accordance with section 751(a)(1)(A) of the Act and 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for each producer/exporter covered by this administrative review. For the period January 1, 2002 through December 31, 2002, we determine the net subsidy rates for producers/exporters under review to be those specified in the chart shown below:

Producer/Exporter	Net Subsidy Rate
Pastificio Fratelli Pagani S.p.A.	0.06 percent (de minimis)
Pastificio Corticella S.p.A./Pastificio Combattenti S.p.A.	0.09 percent (de minimis)
Pasta Zara S.p.A./Pasta Zara 2 S.p.A./Societa per Azioni Pasta Giulia S.p.A.	0.30 percent (de minimis)
Pasta Lensi S.r.l.	0.00 percent (de minimis)
Pastificio Carmine Russo S.p.A./Pastificio Di Nola S.p.A.	0.16 percent (de minimis)

The calculations will be disclosed to the interested parties in accordance with 19 CFR 351.224(b).

Because the countervailing duty rates for all of the above-noted companies are less than 0.5 percent and, consequently, *de minimis*, we will instruct U.S. Customs and Border Protection ("Customs") to liquidate entries during the period January 1, 2002 through December 31, 2002 without regard to countervailing duties in accordance with 19 CFR 351.106(c)(1). The Department will issue appropriate instructions directly to Customs within 15 days of publication of these final results of this review.

For all other companies that were not reviewed (except Barilla G. e R. F.lli S.p.A. and Gruppo Agricoltura Sana S.r.L., which are excluded from the order), the Department has directed Customs to assess countervailing duties on all entries between January 1, 2002 and December 31, 2002 at the rates in effect at the time of entry.

The Department will also instruct Customs to collect cash deposits of estimated countervailing duties for the above-noted companies at the above-noted rates on the f.o.b. value of all shipments of the subject merchandise from the producers/exporters under review that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms (except Barilla G. e R. F.lli S.p.A. and Gruppo Agricoltura Sana S.r.L., which are excluded from the order), we will instruct Customs to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These rates shall apply to

all non-reviewed companies until a review of a company assigned these rates is requested.

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 29, 2004.

James J. Jochum,
Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

Comment 1: Corticella/Combattenti and Sgravi Benefits

Comment 2: Benefit for Pasta Zara/Pasta Zara 2's First Law 908/55 Fondo di Rotazione Iniziative Economiche (Revolving Fund for Economic Initiatives) ("FRIE") Loan

Comment 3: Benefit for Pasta Zara 2's Second Law 908/55 FRIE Loan
[FR Doc. E4-3476 Filed 12-6-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement, Article 1904 NAFTA Panel Reviews; Notice of Panel Decision

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of panel decision.

SUMMARY: On December 1, 2004, the binational panel issued its decision in the review of the final results of the affirmative countervailing duty re-determination on remand made by the International Trade Administration (ITA) respecting Certain Softwood Lumber Products from Canada (Secretariat File No. USA-CDA-2002-1904-03) affirmed in part and remanded in part the re-determination of the Department of Commerce. The Department will return the determination on remand no later than January 24, 2005. A copy of the complete panel decision is available from the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national

courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

Panel Decision: On December 1, 2004, the Binational Panel remanded the Department of Commerce's final countervailing duty determination on remand. The following issues were remanded to the Department:

(1) The Department is directed to reinstate the C\$3.46 profit figure in computing the log-seller profit in Alberta.

(2) The Department is directed to include in the Quebec benchmarks the volume of logs for which the Syndicate data does not indicate prices, or to explain why it should not do so, or why it cannot do so.

(3) The Department is directed to adjust the Quebec benchmarks by deducting log-seller profit from both the import and Syndicate prices.

(4) The Department is directed to consider the conversion factor to be used to convert Syndicate prices in Quebec to cubic meters where the data is reported in other forms.

(5) The Department is directed to include Balsam Fir and Larch in the Ontario SPF benchmark.

(6) The Department is directed to correct the clerical error in the import statistics for Ontario which grossly inflated the benchmark.

(7) The Department is directed to examine the issue of log-seller profit in Ontario. If the Department determines that it is appropriate to use a surrogate profit figure from some other province, it is directed to explain its choice.

(8) The Department is directed to redetermine the net benefit for Ontario.

(9) The Department is directed to recalculate the British Columbia benchmark taking into account actual market conditions in that province. In so doing, the Department must perform separate benefit calculations for the Coast and for the Interior using data available for each region.

(10) The Department is directed to apply recalculated profit figures for Alberta and Quebec in calculating British Columbia stumpage benefits.

(11) The Department is directed to eliminate the import data in the

surrogate benchmarks for Saskatchewan and Manitoba.

(12) If the Department's benchmark calculations result in a higher benefit for Quebec or Ontario, the Department is directed to exclude additional sales that might erroneously be attributed to Bois Omega.

The Investigating Authority is directed to complete its remand determination by January 24, 2005.

Dated: December 2, 2004.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 2004-P-050]

Changes to Patent Fees Under the Consolidated Appropriations Act, 2005

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: If enacted in its present form, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), will revise patent fees in general, including maintenance fees, and will provide for a search fee and examination fee that are separate from the filing fee, during fiscal years 2005 and 2006. This notice provides advance notice to the public of the changes to patent fees in the Consolidated Appropriations Act. In particular, with respect to maintenance fees, this notice advises the public to remain vigilant as to the effective date of the Consolidated Appropriations Act and to consider paying maintenance fees early or taking other appropriate steps to ensure that their patents remain in force.

FOR FURTHER INFORMATION CONTACT: The Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-7701 or by electronic mail message over the Internet at PatentPractice@USPTO.gov.

SUPPLEMENTARY INFORMATION: H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) would, upon enactment, revise certain patent application and maintenance fees; provide separate fees for a basic filing fee, a search fee, and an examination fee; and require an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee).

The new patent fees become effective on the date the President signs the Consolidated Appropriations Act. The fees will remain in effect during the remainder of fiscal year 2005 and during fiscal year 2006. The USPTO expects the Consolidated Appropriations Act to be signed by the President in December.

The patent maintenance fee changes apply to any maintenance fee payment made on or after the date of enactment of the Consolidated Appropriations Act, regardless of the filing or issue date of the patent for which the fee is submitted. The revised maintenance fees take effect on the date the Consolidated Appropriations Act is signed by the President. For example, if the President signs the Consolidated Appropriations Act at noon on December 8, 2004, any maintenance fee paid at any time on December 8, 2004, or thereafter, would be subject to the revised maintenance fee amounts set forth in the Consolidated Appropriations Act, regardless of whether the President signs the Consolidated Appropriations Act before or after the payment is made. For this reason, persons paying the second and third maintenance fees may want to consider: (1) Authorizing payment of any deficiency from a deposit account; or (2) paying the maintenance fee with sufficient time remaining in the payment window to allow for a timely payment of any fee deficiency due to the enactment of the Consolidated Appropriations Act. This is especially important if paying via the USPTO's Internet Web site since there may be some delay in updating maintenance fee information on the USPTO's Office of Finance On-Line Shopping Web page and maintenance fees must be timely paid in the appropriate amount to avoid expiration of a patent.

The new basic filing fee (or national fee), search fee, examination fee, and application size fee will apply to national patent applications filed on or after the date of enactment of the Consolidated Appropriations Act and to international patent applications in which the basic national fee is paid on or after the date of enactment. The filing fee (or national fee), search fee, and examination fee are due on filing. If the filing fee (or national fee) is paid on filing, but the search fee and/or examination fee is missing, the USPTO will issue a notice requiring that any missing search fee and examination fee (but no surcharge until further notice) be paid within a specified period of time in order to avoid abandonment. Thus, if at least the full basic filing fee in effect on the date of enactment of the Consolidated Appropriations Act is paid